

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

22 JUN 30 PM 3:44

MICHAEL KLEINMAN; MMK §  
HOLDINGS, LP; AND AUSPRO §  
ENTERPRISES, LP, §  
PLAINTIFFS, §  
§  
V. §  
§  
CITY OF CEDAR PARK, §  
DEFENDANT. §

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY *[Signature]*  
DEPUTY CLERK

CAUSE NO. 1:22-CV-527-LY

**ORDER**

Before the court are Defendant's Rule 12 Motion to Dismiss [] Plaintiffs' Complaint and Request for Declaratory and Injunctive Relief filed June 15, 2022 (Doc. #5) and Plaintiffs' Response to Defendant's Rule 12 Motion to Dismiss [] Plaintiffs' Complaint and Request for Declaratory and Injunctive Relief filed June 29, 2022 (Doc. #12). Plaintiffs' First Amended Complaint and Request for Declaratory and Injunctive Relief was filed June 29, 2022 (Doc. #11). In light of the filing of Plaintiffs' amended complaint,

**IT IS ORDERED** that Defendant's Rule 12 Motion to Dismiss [] Plaintiffs' Complaint and Request for Declaratory and Injunctive Relief filed June 15, 2022 (Doc. #5) is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 30<sup>th</sup> day of June, 2022.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE